

### **REMARKS/ARGUMENTS**

This Amendment accompanies an RCE and serves as a response to the Advisory Action dated April 11, 2007, and a further response to the Final Office Action of January 9, 2007 in connection with the above-identified application.

Claims 1, 2 and 4-6 are the claims currently pending in the present application. Claims 1 and 4 are amended by the present Amendment.

Claims 1, 2, 4 and 6 were previously rejected under 35 U.S.C. § 102 as being anticipated by Takahashi, U.S. Patent No. 5,689,365. Reconsideration of this rejection is respectfully requested.

For at least the following reasons, claim 1 is neither anticipated by nor obvious from the cited art. By way of example, independent claim 1 requires “a rotation mechanism . . . having a rotary shaft” such that the rotary shaft is “operable to rotate even when the engagement unit is engaged with the at least one movable portion.”

Takahashi discloses a stereoscopic-vision endoscope which allows adjustment during viewing by rotation of the operation unit 3 (Fig. 7) relative to the insertional part 2, by rotating the rotary unit 16 relative to the fixed main optical system 14 of the endoscope (Takahashi, column 7, lines 41-46). Thus, Takahashi addresses the problem that, when using a conventional stereoscopic vision endoscope, the viewer may be confused when the direction of the image is inconsistent with the direction of the region to be viewed (Takahashi, column 2, lines 44-64), and discloses an imaging unit coupled to the proximal end of the insertional part, such that the imaging unit can be rotated relative to the insertional part to correct the direction of images viewed (Takahashi, column 3, lines 30-37).

Takahashi does not disclose or suggest a rotation mechanism with an independent rotary shaft which can rotate even if the engagement means is mechanically engaged with the at least one movable portion. First, Takahashi does not disclose or suggest an engagement unit that engages with a movable portion. That is, Takahashi does not disclose or suggest a support unit with a movable portion that engages with an engagement unit. The Examiner alleges that reference numeral 2 of Fig. 7 of Takahashi discloses a support unit. However, Takahashi makes clear that reference numeral 2 is the insertional part housing the main optical system 14, the rotary unit 16 and other optical and camera elements (Takashi, column 7, lines 8-46).

Further, since Takahashi does not disclose or suggest a movable portion, Takahashi is incapable of disclosing or suggesting a “rotary shaft operable to rotate even when the engagement unit is engaged with the . . . movable portion,” as *inter alia*, required by independent claim 1.

Among the problems recognized and solved by applicant’s claimed invention is that a surgeon or other operator of an endoscope may wish to adjust the stereoscopic view without disturbing the insertion point or other orientation of the stereoscopic endoscope system. According to an aspect of applicant’s claimed invention, the rotary shaft may be rotated even when the remaining movable portions, including the movable portion of the support unit, are locked into a position. The cited art does not disclose or suggest the problems recognized and solved by applicant’s claimed invention. Therefore, Takahashi does not disclose or suggest the recitations of independent claim 1.

According to an aspect of applicant’s claimed invention, a movable portion and an engagement unit adapted to disengageably engage with the at least one movable portion is provided, and further, a rotation mechanism comprising the rotary shaft operable to rotate even when the engagement unit is engaged with the at least one movable portion is also provided. For example, as shown in Fig. 2, a rotation mechanism 19 is provided in the support unit which includes a rotary shaft that may rotate even when the engagement unit is engaged. In addition, Fig. 1 illustrates the electromagnetic brakes 15a1 to 15d1 and the electromagnetic brake 13a which when released allow the engagement unit engaging with the movable portion to move the instrument by means of the rotary shaft 18 which has a screw hole 23 into which screw portion 22 of the ball shaft 21 is screwed to prevent movement of the instrument when the engagement unit is mechanically engaged to the movable portion, because the ball shaft 21 is kept immovable.

Claims 2, 4 and 6 depend from independent claim 1 and thus incorporate novel and nonobvious features thereof. Accordingly, claims 2, 4 and 6 are patentably distinguishable over the prior art for at least the same reasons.

Claims 1-3, 5 and 6 were also previously rejected under 35 U.S.C. § 103 as being obvious from Mizuno et al., U.S. Patent No. 6,120,433 in view of Takahashi. Reconsideration of this rejection is respectfully requested.

Mizuno discloses a surgical manipulator system in which a medical device is held by a slave manipulator that can be removed from a body cavity and a controller that moves the slave manipulator or the medical device, or both, such that the axis of the medical device passes a fulcrum fixed in space even before the medical device is inserted into the body cavity (Mizuno, Abstract).

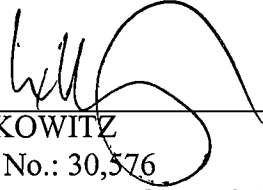
Mizuno does not disclose or suggest a support unit having a rotary shaft, a movable portion and an engagement unit such that the rotary shaft is operable to rotate even when the engagement unit is engaged with the at least one movable portion, as *inter alia*, required by independent claim 1. That is, the cited art does not disclose or suggest a support unit that includes an engagement unit adapted to disengageably engage a movable portion, as well as a rotary shaft as part of the support unit, such that the rotary shaft may be rotated even when the engagement unit is engaged with the movable portion. Therefore, Mizuno and Takahashi, even taken together in combination, do not disclose or suggest the recitations of independent claim 1.

Claims 2, 3, 5 and 6 depend from independent claim 1 and thus incorporate novel and nonobvious features thereof. Accordingly, claims 2, 3, 5 and 6 are patentably distinguishable over the prior art for at least the same reasons.

In view of the foregoing discussion, reconsideration of the rejections and withdrawal of the objection are respectfully requested and allowance of the claims of the application is believed to be warranted. Should the Examiner have any questions regarding the present Response or regarding the application generally, the Examiner is invited to telephone the undersigned attorney at the below-provided telephone number.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
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Respectfully submitted,

  
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